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Attorneys for the United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

JOSE ESQUIVEL,

Defendant.

No. 4-12-MJ-70442

STIPULATION AND ~~PROPOSED~~  
ORDER DOCUMENTING WAIVER

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of June 27, 2012, setting a new preliminary hearing date for August 8, 2012, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act to August 8, 2012. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Jose Esquivel, was arrested on or about April 18, 2012, for violating 21 U.S.C. § 841(a)(1) (distribution of heroin). Esquivel was charged in a complaint dated April 19, 2012, and presented to the Court on April 19, 2012, 2012. Ellen Leonida, Esq., was appointed to represent Esquivel. On April 27, 2012, Esquivel was ordered detained pending

**FILED**

JUN 25 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

1 trial.

2 2. On or about April 27, 2012, due to a conflict, Ms. Leonida withdrew as counsel  
3 and Jennifer Schwartz, Esq., was appointed to represent Esquivel. Since Ms. Schwartz's  
4 appointment, the parties have been trying to resolve this matter prior to the filing of indictment.  
5 The parties have recently made progress in these discussions. However, no final disposition has  
6 yet been reached. Accordingly, the parties respectfully request that the June 27, 2012 preliminary  
7 hearing be continued until August 8, 2012, so that they can continue to work toward a resolution  
8 of this matter.

9 3. Taking into the account the public interest in the prompt disposition of criminal  
10 cases, the above-stated ground is good cause for extending the time limit for a preliminary  
11 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and  
12 for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the  
13 defense time for effective preparation and representation by seeking disposition of this matter  
14 prior to indictment on agreed-upon terms.

15 4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the  
16 June 27, 2012 preliminary hearing date and extends the time for a preliminary hearing until  
17 August 8, 2012, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period  
18 from today until August 8, 2012 be excluded from the time period for preliminary hearings under  
19 Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C.  
20 § 3161.

21 //

1 SO STIPULATED:

2 DATED: June 25, 2012

3 /s/  
JENNIFER SCHWARTZ, ESQ.  
4 Attorney for JOSE ESQUIVEL

5 DATED: June 25, 2012

6 /s/  
W.S. WILSON LEUNG  
Assistant United States Attorney

7 IT IS SO ORDERED.

8  
9 DATED: June 25, 2012

10 Kandis Westmore  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge